

1                   **GREENE BROILLET & WHEELER, LLP**  
 2                   LAWYERS  
 3                   BROWNE GREENE, STATE BAR NO. 38441  
 4                   ALAN VAN GELDER, STATE BAR NO. 221820  
 5                   100 WILSHIRE BOULEVARD, SUITE 2100  
 6                   P.O. BOX 2131  
 7                   SANTA MONICA, CALIFORNIA 90407-2131  
 8                   TEL. (310) 576-1200  
 9                   FAX. (310) 576-1220

(SPACE BELOW FOR FILING STAMP ONLY)

10                  **LAW OFFICES OF BRIAN D. WITZER, INC.**  
 11                  BRIAN D. WITZER, ESQ., STATE BAR NO. 123277  
 12                  ANDREW J. SPEILBERGER, ESQ., STATE BAR NO. 120231  
 13                  DANIEL BALABAN, ESQ., STATE BAR NO. 243652  
 14                  WITZER LAW BUILDING  
 15                  8752 HOLLOWAY DRIVE  
 16                  WEST HOLLYWOOD, CALIFORNIA 90069-2327  
 17                  TEL. (310) 777-5999  
 18                  FAX. (310) 777-5988

19                  Attorneys for Plaintiffs

20                  UNITED STATES DISTRICT COURT  
 21                  NORTHERN DISTRICT OF CALIFORNIA  
 22                  SAN FRANCISCO DIVISION

23                  THOMAS B. GAINES, a deceased minor      )  
 24                  child by and through his personal      )  
 25                  representative(s) and/or successor(s) in      )  
 26                  interest; DIANA L. GAINES, individually, as      )  
 27                  Executor of the Estate of Thomas B. Gaines,      )  
 28                  and as Thomas B. Gaines' personal      )  
 29                  representative and successor in interest;      )  
 30                  GARY D. GAINES, as individually and as      )  
 31                  Thomas B. Gaines' personal representative      )  
 32                  and successor of interest; and THE ESTATE      )  
 33                  OF THOMAS B. GAINES,      )

34                  CASE NO. 3:07-cv-05503.EMC  
 35                  (formerly CGC -06-457600)

36                  **[PROPOSED] ORDER RE**  
 37                  **PLAINTIFF'S MOTION TO**  
 38                  **REMAND**

39                  MAGISTRATE JUDGE EDWARD  
 40                  M. CHEN

41                  Complaint Filed: November 3, 2006

42                  Plaintiffs,      )

43                  vs.      )

44                  JOHNSON & JOHNSON, a New Jersey      )  
 45                  corporation; MCNEIL CONSUMER &      )  
 46                  SPECIALTY PHARMACEUTICALS, a      )  
 47                  Division of MCNEIL-PPC, INC., a New      )  
 48                  Jersey corporation; MCKESSON      )  
 49                  CORPORATION, a Delaware corporation;      )  
 50                  WAL-MART STORES, INC., a Delaware      )  
 51                  corporation; and DOES 1 through 100,      )  
 52                  inclusive,      )

53                  Defendants.      )

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2  
**ORDER**  
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4  
5 TO THE PARTIES AND THEIR ATTORNEYS OF RECORD:  
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8 On January 30, 2008 in the above entitled Court, Plaintiffs' Motion to  
9 Remand was heard. Having considered the papers submitted by the parties and  
10 having considered the arguments of the parties in connection with Plaintiffs'  
11 Motion to Remand, the Court finding good cause hereby issues the following  
12 Order:  
13

14 1. Plaintiff's Motion to Remand is GRANTED.  
15  
16 2. The matter of Thomas Gaines et al v. Johnson and Johnson et al.  
17 is hereby remanded back to Superior Court of San Francisco.  
18

19  
20 IT IS SO ORDERED.  
21  
22

23 DATED: \_\_\_\_\_, 2008  
24

25 Hon. Edward Chen  
26 Judge of United States District Court  
27  
28

**PROOF OF SERVICE**  
(C.C.P. 1013A, 2015.5)

## STATE OF CALIFORNIA

I am employed in the county of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 100 Wilshire Boulevard, 21st Floor, Santa Monica, California 90401.

On November 28, 2007 I served the foregoing document, described as

**[PROPOSED] ORDER RE PLAINTIFF'S MOTION TO REMAND**

on the interested parties in this action.

X by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list.

— by placing — the original — a true copy enclosed in sealed envelopes addressed as follows:

X BY MAIL.

I deposited such envelope in the mail at Santa Monica, California. The envelope was mailed with postage thereon fully prepaid.

X As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Santa Monica, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on November 28, 2007 at Santa Monica, California.

**— BY PERSONAL SERVICE.** I delivered such envelope by hand to the offices of the addressee.

BY FACSIMILE. I faxed a copy of the above-described document to the interested parties as set forth [above/on the attached mailing list].

Executed on November 28, 2007 at Santa Monica, California.

**X (FEDERAL)** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Michelle Leslie  
Name

Michelle Leslie  
Signature

1 ***GAINES v. JOHNSON & JOHNSON, et al.***  
2 **Service List**

3 Thomas W. Pulliam, Jr., Esq.  
4 Kenneth P. Conour, Esq.  
5 DRINKER BIDDLE & REATH LLP  
5 50 Fremont St., 20<sup>th</sup> Floor  
5 San Francisco, CA 94105-2235  
6 (415) 591-7500 telephone  
6 (415) 591-7510 facsimile

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Attorneys for Defendants:  
Johnson & Johnson, A New Jersey Corp.;  
McNeil Consumer Healthcare;  
McKesson Corporation; and  
Wal-Mart Stores

10 Brian D. Witzer, Esq  
11 Daniel Balaban, Esq.  
11 Law Offices of Brian D. Witzer, Inc.  
11 Witzer Law Building  
11 8752 Holloway Drive  
11 West Hollywood, CA 90069  
11 (310) 777-5999 - telephone  
11 (310) 777-5988 - facsimile

Attorneys for Plaintiffs:  
Estate of Thomas B. Gaines  
Diana L. Gaines  
Gary D. Gaines